

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

APPEAL NO. 490 OF 2007
IN
CONTEMPT PETITION NO. 92 OF 2004
IN
ARBITRATION PETITION NO. 259 OF 2003

Dr. (Mrs.) Kalpana D. Velaskar	.. Appellant
Versus	
Dr. Francis P. Candes	.. Respondent

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- Ms. Smita Gaidhani along with Mr. Kedar Purav and Mr. Kunal Khond for the Appellant
 - Mr. H.S. Shreepad Murthy alongwith Mr. Abhishek Patil for the Respondent
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**CORAM : S. J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : 10 MARCH, 2022.

P.C.:

. The Appellant - Dr. (Mrs.) Kalpana D. Velaskar and the Respondent - Dr. Francis P. Candes have filed Consent Terms dated 22nd January, 2022 before the Learned Arbitrator. Clause 5 and clause 10 of the Consent Terms reads thus:-

- "5. That the Respondent herein - Dr. Francis P. Candes being the Respondent in Contempt Appeal No.490/2007 pending before the Hon'ble High Court will not contest the said Appeal and shall consent for disposal of the same by allowing the Appeal.
6.
7.
8.
9.

10. The parties are free to initiate appropriate proceedings for disposal of the Criminal case as well as contempt appeal on the basis of these consent terms as executed between the parties, forthwith."

2. The parties have now moved this Court with a request to allow them to file Consent Terms in the Arbitration proceedings in the present Appeal. Accordingly a photocopy of the Consent Terms is taken on record and marked "X" for identification. The parties have settled their dispute. An apology is tendered by the Appellant - Dr. (Mrs.) Kalpana D. Velaskar; the same is accepted and the order impugned in the Appeal dated 5th March, 2021 is set aside. However, it is clarified that the costs paid by the Appellant shall not be refunded.

3. In view of clause 5 read with clause 10 of the Consent Terms, both parties have jointly prayed for disposal of the Appeal. The above Appeal is accordingly disposed of.

[MILIND N. JADHAV, J.]

[S. J. KATHAWALLA, J.]

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